

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

FILED

130 APR -2 P 3:30

E-FILING

RICHARD W. WIEYING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S. J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTREBERTO PADILLA-SERRANO,

Defendant.

CR -08 00218

RMW
PVT

VIOLATION: 8 U.S.C. § 1326 –
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

INFORMATION

The United States charges:

On or about November 27, 2007, the defendant

AUSTREBERTO PADILLA-SERRANO,

an alien, previously having been arrested and deported from the United States on or about
October 20, 1995, September 8, 1999, and January 3, 2002, was found in the Northern District of
California, the Attorney General of the United States and the Secretary for Homeland Security
not having expressly consented to a re-application by the defendant for admission into the United

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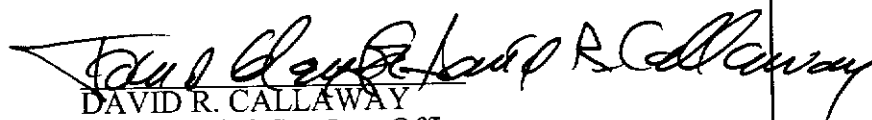
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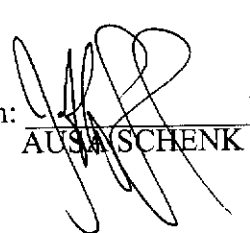
INFORMATION

1 States, in violation of Title 8, United States Code, Section 1326.

2 DATED: _____

JOSEPH P. RUSSONIELLO
United States Attorney

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5 DAVID R. CALLAWAY
Deputy Chief, San Jose Office

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7 (Approved as to form: )

AUSASCHENK

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**8 U.S.C. Section 1326 -
ILLEGAL REENTRY☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

DEFENDANT - U.S.

AUSTREBERTO PADILLA-SERRANO

DISTRICT COURT NUMBER

CR - 08 00218**RMW
PVT****PENALTY:**20 years imprisonment
\$250,000 fine
3 years Supervised Release
\$100 special assessment**PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
IMMIGRATION AND CUSTOMS ENFORCEMENT☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.

08-70161 RS

Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

JEFFREY B. SCHENK

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____